

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Claim 1 has been amended. Claims 13 and 14 have been withdrawn from consideration.

In the second paragraph on page 3 of the above-identified Office action, claims 1, 3, 5, 7, 8, 10, and 11 have been rejected as being indefinite under 35 U.S.C. § 112.

In the second paragraph on page 3 of the Office action, the Examiner stated that the terms "given" and "corresponding" in claims 11 and 12 are relative terms, which render the claim indefinite. Initially, it is not understood why claims 1, 3, 5, 7, 8, 10, and 11 were rejected based on wording in claims 11 and 12. Correction in a new non-final Office action is requested. The Examiner further stated that the terms "given" and "corresponding" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is respectfully noted that the Examiner is in error. The word "given" in standard, acceptable, U.S. claim language is merely

Applic. No. 09/174,042
Amdt. dated December 1, 2003
Reply to Office action of June 30, 2003

used to indicate that the same item is being referred to twice. In this case, it is used in claim 11 to indicate that the same material is discussed at both locations. "Given" could be replaced by a word such as "first" and fulfill the same purpose.

Webster's Third New International Dictionary, in pertinent part, defines "corresponding" as "agreeing in kind, degree, position, function, or other respects". Therefore, this term is clear in meaning (see the enclosure).

It is also noted that neither term is a relative term, contrary to the Examiner's statement. Words such as "large" or "small" are relative terms. The Examiner is requested to consult with his supervisor in this regard. A statement in the next non-final Office action that Examiner Mai agrees or disagrees with Examiner Anderson specifically regarding these two words in question, would be appreciated.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

Applic. No. 09/174,042
Amdt. dated December 1, 2003
Reply to Office action of June 30, 2003

In the second paragraph on page 4 of the Office action, claims 1-12 have been rejected as being obvious over Comstock (presumed to be U.S. Patent No. 1,898,977) and Babbitt (U.S. Patent No. 1,984,007) one taken in view of the other, under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Figs. 1-3 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the at least one flange-shaped expanded and flattened region having an end surface facing away from the tube section and being fixed in a vacuum-tight manner to the at least one of the two outer covering layers at the aperture and being formed to compensate for positional imprecisions between said aperture and said tube section.

The Babbitt reference discloses a heat insulating wall having a partial degree of vacuum. The wall has two plates (1 and 2) and includes a vent. The vent includes a pipe (21) that passes through the unit and has a flange (22) at one side, and another flange (23) at the opposite side. The pipe (21) is inserted through openings in the plates and is fixed with the flanges (22 and 23) resting on the plates (1 and 2). Because the flanges (22 and 23) have their inward faces resting on the plates (1 and 2) and the tube (21) passes through and is guided by the openings in the plates, a staggered alignment of the flanges in relationship to the openings in the plates is not possible.

Applicants respectfully disagree with the Examiner's comments on page 4 of the Office action, that Comstock discloses a tube in Fig. 10 with flattened regions at the ends (186). Figure 10 of Comstock discloses a bridge constructed of strips (185) of heat insulating material, inner and outer edges of these strips (185) may be enlarged and may receive sheet metal channels (186) (page 8, lines 16-30). Therefore, Fig. 10 does not disclose a tube as is suggested by the Examiner.

The Comstock reference discloses an annular spool disposed between inner and outer sheets for allowing a pipe (210) to

pass through a vacuum wall. The spool includes inturned and outturned ends.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the at least one flange-shaped expanded and flattened region having an end surface facing away from the tube section and being fixed in a vacuum-tight manner to the at least one of the two outer covering layers at the aperture and being formed to compensate for positional imprecisions between said aperture and said tube section, as recited in claim 1 of the instant application.

The Babbitt reference discloses a tube that passes thru a wall and which includes flanges (22 and 23) having their inward faces resting on the plates (1 and 2). The tube (21) passes through and is guided by openings in the plates. Therefore, Babbitt does not disclose an end surface facing away from the tube section and being fixed in a vacuum-tight manner to the at least one of the two outer covering layers at the aperture and being formed to compensate for positional imprecisions between said aperture and said tube section, as recited in claim 1 of the instant application.

The Comstock reference discloses a spool including inturned and outturned ends. Comstock does not disclose an end surface facing away from the tube section and being fixed in a vacuum-tight manner to the at least one of the two outer covering layers at the aperture and being formed to compensate for positional imprecisions between said aperture and said tube section.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

Applic. No. 09/174,042
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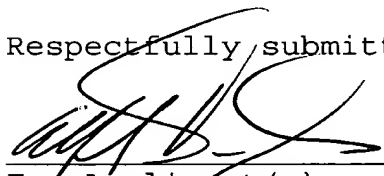
call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$420 in accordance with Section 1.17 is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



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For Applicant(s)

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